

July 20, 2000

Judiciary Committee Chairman Responds to “Defamation” Against Senate

Today at a meeting of the Senate Judiciary Committee, Chairman Hatch gave the following important statement on the Senate’s role and history in confirming judges. In particular, Senator Hatch destroys the lie that the Senate uses race or sex in discriminating against nominees. [The text below is taken verbatim from a press release issued by the Senate Judiciary Committee.]

Last week, on July 13, 2000, in a speech to the NAACP, President Clinton directed an accusation of bias at the Senate, suggesting that Republicans in the Senate are biased against minority and female judicial nominees. After mentioning some of the minority and female nominees currently pending before this Committee, he said: “I don’t want people denied their chance to serve because of their race.” He stated further that “[t]he quality of justice suffers when highly-qualified women and minority candidates . . . are denied the opportunity to serve.”

The President’s reckless and unfounded accusation of bias has encouraged others to make even more reckless and more unfounded charges. Yesterday, some Members of Congress launched what can only be described as a profane attack on the United States Senate — calling the Senate a racist and sexist institution. To be precise, one member of the United States House of Representatives was quoted as saying that the Senate has “made the judiciary an exclusive club that closes the door to women and minorities. . . . [The Senate’s] determinations have been [made] on the basis of racism and sexism, plain and simple.”

If this statement was actually made — and I hope the reports are incorrect — I am nearly at a loss for words. What a truly defamatory statement. Has the Congress really sunk so low? Are my colleagues so desperate to find issues with which they can generate voter turnout in November that the politics of destruction must be waged in this manner and assail not only the Members of the Senate, but also our noble institution? Is there nothing they won’t do for a vote? I call on President Clinton and Al Gore to put an end to

this game of race-baiting politics. Their statements have encouraged this descent into gutter politics.

These circumstances compel me to declare what should be obvious — that no nominee is being denied the chance to serve as a federal judge because of his or her race or gender. Since I became Chairman of the Judiciary Committee in 1995, the Senate has confirmed more minority and female judges than at any other time in history.

The calculated statements of President Clinton plainly are meant to suggest or imply that Senate Republicans are biased against the confirmation of female and minority judicial nominees. His suggestions have been picked up by less-sophisticated partisans who have turned them into blatant attacks. These accusations of racial and gender discrimination by the Senate against female and minority nominees are not only false, they also are an assault on the personal integrity of every Member of the Senate.

The race of nominees for federal judgeships is not considered by the Judiciary Committee during the confirmation process. The Judiciary Committee questionnaire that nominees fill out and provide to the Committee does not ask nominees to disclose their race or ethnicity. Whether a nominee is male or female also plays no role in the confirmation process.

Because race and gender are not considered by the Committee, it is no surprise that minority and female nominees are confirmed in nearly identical proportions as their white male counterparts. During this Congress, the President has nominated 101 individuals for federal judgeships. According to information provided to me by the Justice Department, 27 percent of those nominees were minorities and 29 percent were women. So far, the Senate has confirmed 64 percent of the President's 101 nominees. Of the minority nominees, the Senate has confirmed 59 percent. Of the female nominees, the Senate has confirmed 65 percent. Of the white male nominees, the Senate has confirmed 64 percent. As I said, minority nominees, female nominees, and white male nominees are being confirmed in nearly identical ratios.

One Member of Congress claimed yesterday that the Senate has "confirmed 42 percent of Clinton's white nominees, but less than half as many, or 18 percent, of his African-American nominees." These statistics are entirely false. I have no idea where this Member of Congress is getting her information. Regrettably, the media uncritically picked up this bogus claim and it has been widely reported in today's newspapers. The truth is that since 1995, when Republicans took control of the Senate and I became Chairman of this Committee, 60 percent of African-American nominees have been confirmed. It is the President who repeatedly takes credit for the racial diversity that he has brought to the federal judiciary — diversity that has been accomplished because this Committee and the Senate has approved the President's minority nominees in record numbers.

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